

"RESEARCH APPENDIX"

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(Request Made By: Fern Knepp) (Date: 2 1 15 2011)

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(exception: companion bills)



Please transfer the drafting file for

2009 LRB

(For: Rep. / Sen. _____)

to the drafting file for

2011 LRB

(For: Rep. / Sen. _____)

-----OR-----



Please copy the drafting file for

2011 LRB

1149 / 1

(include the version)

(For: Rep. / Sen.

Admin-budget)

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2011 LRB

1019 / 1

(For: Rep. / Sen.

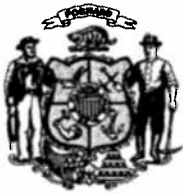
Admin-budget)



Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1149/1
FFK:cjs:ph

DOA:.....Dombrowski, BB0240 - Transfer the State SSI Supplement and Caretaker Supplement program to the Department of Children and Families.

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

Insert to
1019/1

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers two programs that provide supplemental payments to individuals who are eligible to receive federal supplemental security income (SSI). The first program provides supplemental cash payments, known as state supplemental payments, to an individual who qualifies for SSI because the individual is elderly, blind, or disabled. The second program, known as the caretaker supplement program, provides additional cash payments to an individual who receives SSI, state supplemental payments, or both, and is a custodial parent of a dependent child. This bill transfers the administration of the state supplemental payment program and the caretaker supplement program to DCF.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.27 (5) (c) of the statutes is amended to read:

Ins
7-2

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1 16.27 (5) (c) A household entirely composed of persons receiving aid to families
2 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2036, or
3 supplemental security income or state supplemental payments under 42 USC 1381
4 to 1383c or s. 49.77 49.39. ✓

5 ~~SECTION 2. 20.435 (4) (bm) of the statutes is amended to read:~~
(am 9 of wis. 1-2)

6 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
7 *administration; contract costs, insurer reports, and resource centers*. Biennially, the
8 amounts in the schedule to provide a portion of the state share of administrative
9 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
10 Badger Care health care program under s. 49.665 and to provide the state share of
11 administrative costs for the food stamp program under s. 49.79, other than payments
12 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement
13 a registry of recipient immunizations, to reimburse 3rd parties for their costs under
14 s. 49.475, for costs associated with outreach activities, ~~for state administration of~~
15 ~~state supplemental grants to supplemental security income recipients under s.~~
16 ~~49.77, to administer the pharmacy benefits purchasing pool under s. 146.45, and for~~
17 ~~services of resource centers under s. 46.283. No state positions may be funded in the~~
18 ~~department of health services from this appropriation, except positions for the~~
19 ~~performance of duties under a contract in effect before January 1, 1987, related to~~
20 ~~the administration of the Medical Assistance program between the subunit of the~~
21 ~~department primarily responsible for administering the Medical Assistance~~
22 ~~program and another subunit of the department. Total administrative funding~~
23 ~~authorized for the program under s. 49.665 may not exceed 10% of the amounts~~
24 ~~budgeted under pars. (p) and (x).~~

LPS - FROM 2011 LRB-0150/12
NOTE → LRB-0150/1
PJK:wljyf
SECTION 1

1 **SECTION 1.** 20.435 (4) (bn) of the statutes is amended to read:

2 20.435 (4) (bn) ~~Income maintenance.~~ Biennially, the amounts in the schedule
3 ~~for funeral expenses under s. 49.785, for administration of the food stamp~~
4 ~~employment and training program under s. 49.79 (9), for the performance of income~~
5 ~~maintenance administrative activities on behalf of a local entity, as defined in s.~~
6 ~~30.77 (3) (dm) 1. b., and for payments under s. 49.78 (8) relating to the administration~~
7 ~~of the Medical Assistance program under subch. IV of ch. 49, the Badger Care health~~
8 ~~care program under s. 49.665, and the food stamp program, and the cemetery,~~
9 ~~funeral, and burial expenses program under s. 49.785.~~

10 **SECTION 2.** 20.435 (4) (br) of the statutes is created to read:

11 20.435 (4) (br) *Cemetery, funeral, and burial expenses program.* Biennially, the
12 amounts in the schedule for cemetery, funeral, and burial expenses under s. 49.785
13 and for payments under s. 49.78 (8) relating to the administration of the cemetery,
14 funeral, and burial expenses program under s. 49.785.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

(end ins 4-9)

15 **SECTION 3.** 49.78 (8) (a) of the statutes is amended to read:

16 49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn), (br), and
17 (nn) and subject to par. (b), the department shall reimburse each county and tribal
18 governing body that contracts with the department under sub. (2) for reasonable
19 costs of administering the income maintenance programs, including conducting
20 fraud prevention activities. The amount of each reimbursement paid under this
21 paragraph shall be calculated using a formula based on workload within the limits
22 of available state and federal funds under s. 20.435 (4) (bn), (br), and (nn) by contract
23 under sub. (2). The amount of reimbursement calculated under this paragraph and

NOTE →

Ins
4-10
1 **SECTION 3.** 20.435 (4) (ed) [✓] of the statutes is renumbered 20.437 (2) (ed) and
2 amended to read:

3 20.437 (2) (ed) *State supplement to federal supplemental security income*
4 *program.* A sum sufficient for payments of supplemental grants to supplemental
5 security income recipients under s. ~~49.77~~ 49.39 [✓] and, except as provided in 1997
6 Wisconsin Act 237, section 9122 (4e) (a), for payments for the support of children of
7 supplemental security income recipients under s. ~~49.775~~ 49.395 [✓].

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats. (end ins 4-10)

8 **SECTION 4.** 20.437 (2) (eg) [✓] of the statutes is created to read:

Ins
5-17
9 20.437 (2) (eg) *State supplement to federal supplemental security income*
10 *programs; administration.* Biennially, the amounts in the schedule for the
11 administration of the supplemental security income payments program under s.
12 49.39 and the program providing payments for the support of children of
13 supplemental security income recipients under s. 49.395.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats. [✓]

14 **SECTION 5.** 20.437 (2) (r) [✓] of the statutes is amended to read:

15 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
16 support collections trust fund, except as provided in par. (qm), all moneys received
17 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
18 received under ss. 767.57 and 767.75 for child or family support, maintenance,
19 spousal support, health care expenses, or birth expenses, all other moneys received
20 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
21 and all moneys received under s. 49.855 (4) from the department of revenue or the
22 department of administration that were withheld by the department of revenue or

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Ins
5-19 cont.

the internal revenue service for delinquent child support, family support, or maintenance or outstanding court-ordered amounts for past support, medical expenses, or birth expenses, for disbursement to the persons for whom the payments are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under s. 49.775 (2) (bm), 2009 stats., or s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 49.395 (2) (bm), for transfer to the appropriation account under par. (k). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005. (end ins 5-17)

Ins.
6-14

SECTION 6. 46.206 (1) (bm) of the statutes is amended to read:

46.206 (1) (bm) All records of the department relating to aid provided under s. 49.77, 2009 stats., or s. 49.46, 49.465, 49.468, 49.47, or 49.471, or 49.77 are open to inspection at reasonable hours by members of the legislature who require the information contained in the records in pursuit of a specific state legislative purpose. All records of any county relating to aid provided under s. 49.77, 2009 stats., or s. 49.46, 49.465, 49.468, 49.47, or 49.471, or 49.77 are open to inspection at reasonable hours by members of the board of supervisors of the county or the governing body of a city, village or town located in the county who require the information contained in the records in pursuit of a specific county or municipal legislative purpose. The right to records access provided by this paragraph does not apply if access is prohibited by federal law or regulation or if this state is required to prohibit such access as a condition precedent to participation in a federal program in which this state participates. (end ins 6-14)

SECTION 7. 46.215 (1) (L) of the statutes is amended to read:

46.215 (1) (L) Within the limits of available state and federal funds and of county funds appropriated to match state funds, to provide social services for persons



Ins 7-16 Cont.

1 eligible for or receiving benefits under the supplementary security income program
2 under federal Title XVI, the supplemental payments program under s. ~~49.77~~ 49.39
3 or aid to families with dependent children under s. 49.19. *(end ins 7-16)*

Ins 7-21

4 **SECTION 8.** 46.22 (1) (b) 1. c. of the statutes is renumbered 46.22 (1) (b) 2. h. and
5 amended to read:

6 46.22 (1) (b) 2. h. Within the limits of available state and federal funds and of
7 county funds appropriated to match state funds, to provide social services for persons
8 eligible for or receiving supplemental security aids under Title XVI of the social
9 security act, eligible for or receiving state supplemental payments under s. ~~49.77~~
10 49.39 or eligible for or receiving aid to families with dependent children under s.
11 49.19.

Ins. 9-5

12 **SECTION 9.** 46.283 (3) (k) of the statutes is amended to read:

13 46.283 (3) (k) A determination of eligibility for state supplemental payments
14 under s. ~~49.77~~ 49.39, medical assistance under s. 49.46, 49.468, 49.47, or 49.471, or
15 the federal food stamp program under 7 USC 2011 to 2029.

Ins. 9-11

16 **SECTION 10.** 48.57 (3m) (am) 6. of the statutes is amended to read:

17 48.57 (3m) (am) 6. The child for whom the kinship care relative is providing
18 care and maintenance is not receiving supplemental security income under 42 USC
19 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39.

20 **SECTION 11.** 48.57 (3n) (am) 5r. of the statutes is amended to read:

21 48.57 (3n) (am) 5r. The child for whom the long-term kinship care relative is
22 providing care and maintenance is not receiving supplemental security income
23 under 42 USC 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39.

24 **SECTION 12.** 48.685 (5) (br) 5. of the statutes is amended to read:

Ins 9-11 cont.
1 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
2 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of
3 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent
4 children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps
5 benefits under the food stamp program under 7 USC 2011 to 2036, supplemental
6 security income payments under s. 49.77, 2009 stats., or s. 49.39, payments for the
7 support of children of supplemental security income recipients under s. 49.775, 2009
8 stats., or s. 49.395, or health care benefits under the Badger Care health care
9 program under s. 49.665.

10 SECTION 13. 49.145 (2) (i) ^x of the statutes is amended to read:

11 49.145 (2) (i) The individual is not receiving supplemental security income
12 under 42 USC 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39
13 and, if the individual is a dependent child, the custodial parent of the individual does
14 not receive a payment on behalf of the individual under s. ~~49.775~~ 49.395. The
15 department may require an individual who receives benefits under s. 49.148 and who
16 has applied for supplemental security income under 42 USC 1381 to 1383c to
17 authorize the federal social security administration to reimburse the department for
18 the benefits paid to the individual under s. 49.148 during the period that the
19 individual was entitled to supplemental security income benefits to the extent that
20 retroactive supplemental security income benefits are made available to the
21 individual. (ending 9-11)

22 SECTION 14. 49.175 (1) (intro.) of the statutes is amended to read:

23 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
24 the limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (ed), (k), (kx),
Ins 9-19 103

INS 9-19 (cont.)

INS 9-19
CONT

(L), (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts for the following purposes:

SECTION 15. 49.175 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act 28, section 1227, and 2011 Wisconsin Act (this act), is repealed and recreated to read:

49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (ed), (k), (kx), (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts for the following purposes:

SECTION 16. 49.175 (1) (r) of the statutes is amended to read:

49.175 (1) (r) *Children of recipients of supplemental security income.* For payments made under s. ~~49.775~~ 49.395 for the support of the dependent children of recipients of supplemental security income, \$29,899,800 in fiscal year 2009-10 and \$29,933,200 in each fiscal year thereafter.

SECTION 17. 49.19 (19m) of the statutes is amended to read:

49.19 (19m) Notwithstanding subs. (1) to (19), no aid may be paid under this section for a child on whose behalf a payment is made under s. ~~49.775~~ 49.395.

SECTION 18. 49.197 (1m) of the statutes is amended to read:

49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2) (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19, supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, and payments for the support of children of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395, on the part of participants in the Wisconsin Works program under ss. 49.141 to

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INS 9-19 cont

49.161, and, if the department of health services contracts with the department under sub. (5), on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, and health care~~ benefits under the Badger Care health care program under s. 49.665. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The department shall cooperate with district attorneys regarding fraud prosecutions. (end ins 9-19)

SECTION 19. 49.197 (3) of the statutes is amended to read:

49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161, the supplemental security income payments program under s. 49.39, the program providing payments for the support of children of supplemental security income recipients under s. 49.395, and, if the department of health services contracts with the department under sub. (5), the Medical Assistance program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the supplemental security income payments program under s. 49.77, the program providing payments for the support of children of supplemental security income recipients under s. 49.775, and the Badger Care health care program under s. 49.665. (end ins 10-2)

SECTION 20. 49.197 (4) of the statutes is amended to read:

91
1 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
2 services contracts with the department under sub. (5), the department shall provide
3 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing
4 bodies of federally recognized American Indian tribes administering Medical
5 Assistance under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
6 supplemental security income payments program under s. 49.77, the program
7 providing payments for the support of children of supplemental security income
8 recipients under s. 49.775, and the Badger Care health care program under s. 49.665
9 to offset administrative costs of reducing payment errors in those programs.

10 SECTION 21. ✓ 49.197 (5) of the statutes is amended to read:

Ins
10-13
11 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE; AND FOOD STAMPS, SUPPLEMENTAL
12 SECURITY INCOME, AND CARETAKER SUPPLEMENT. Notwithstanding s. 49.845 (1) and (2),
13 the department of health services may contract with the department to investigate
14 suspected fraudulent activity on the part of recipients of medical assistance under
15 subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to
16 2036, supplemental security income payments under s. 49.77, payments for the
17 support of children of supplemental security income recipients under s. 49.775, and
18 health care benefits under the Badger Care health care program under s. 49.665 and
19 to conduct activities to reduce payment errors in the Medical Assistance program
20 under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
21 supplemental security income payments program under s. 49.77, the program
22 providing payments for the support of children of supplemental security income
23 recipients under s. 49.775, and the Badger Care health care program under s. 49.665,
24 as provided in this section.

25 SECTION 22. ✓ 49.35 (1) (bm) of the statutes is amended to read:

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INS 10-13 (cont.)

1 49.35 (1) (bm) All records of the department relating to aid provided under s.
2 49.19 or 49.39 are open to inspection at reasonable hours by members of the
3 legislature who require the information contained in the records in pursuit of a
4 specific state legislative purpose. All records of any county relating to aid provided
5 under s. 49.19 or 49.39 are open to inspection at reasonable hours by members of the
6 board of supervisors of the county or the governing body of a city, village or town
7 located in the county who require the information contained in the records in pursuit
8 of a specific county or municipal legislative purpose. The right to records access
9 provided by this paragraph does not apply if access is prohibited by federal law or
10 regulation or if this state is required to prohibit such access as a condition precedent
11 to participation in a federal program in which this state participates.

12 **SECTION 23.** 49.43 (1e) ^X of the statutes is amended to read:

13 49.43 (1e) "Accommodated person" means any person in a hospital or in a
14 skilled nursing facility or intermediate care facility, as defined in Title XIX of the
15 social security act, who would have been eligible for benefits under s. 49.19 or ~~49.77~~
16 49.39 or federal Title XVI if the person were not in such a hospital or facility, and any
17 person in such an institution who can be found eligible for Title XIX under the social
18 security act. (end ins 10-13)

19 **SECTION 24.** 49.46 (1) (a) 4. of the statutes is amended to read:

20 49.46 (1) (a) 4. Any person receiving benefits under s. ~~49.77~~ 49.39 or federal
21 Title XVI.

22 **SECTION 25.** 49.46 (1) (a) 4m. of the statutes is amended to read:

23 49.46 (1) (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ 49.395.

24 **SECTION 26.** 49.46 (1) (d) 4. of the statutes is amended to read:

INS 12-12

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INS 12-12
CONT

Ins
12-12
(Cont.)

1 49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)
2 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

3 **SECTION 27.** 49.46 (1) (e) ^X of the statutes is amended to read:

4 49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets
5 the income limits under s. 49.19 or meets the income and resource requirements
6 under federal Title XVI or s. ~~49.77~~ 49.39, or that the individual is an essential person,
7 an accommodated person, or a patient in a public medical institution, the individual
8 shall be granted the benefits enumerated under sub. (2) whether or not the
9 individual requests or receives a grant of any of such aids. (end ins 12-12)

10 **SECTION 28.** 49.47 (4) (c) 1. ^X of the statutes is amended to read:

11 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,
12 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families
13 with dependent children payment under s. 49.19 (11) for the applicant's family size
14 or the combined benefit amount available under supplemental security income
15 under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,
16 whichever is higher. In this subdivision "income" includes earned or unearned
17 income that would be included in determining eligibility for the individual or family
18 under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381
19 to 1385. "Income" does not include earned or unearned income which would be
20 excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~
21 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

22 **SECTION 29.** 49.471 (7) (c) 4. ^X of the statutes is amended to read:

23 49.471 (7) (c) 4. Not include in the calculation any income of an individual
24 receiving benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

25 **SECTION 30.** 49.472 (4) (a) 2. a. ^X of the statutes is amended to read:



Ins
12-21
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Ins
13-2

INS 13-2
CONT

7/15/13 (cont)
1 49.472 (4) (a) 2. a. A maintenance allowance established by the department by
2 rule. The maintenance allowance may not be less than the sum of \$20, the federal
3 supplemental security income payment level determined under 42 USC 1382 (b) and
4 the state supplemental payment determined under s. ~~49.77 (2m)~~ 49.39 (2m). (ending 13-2)

5 **SECTION 31.** [✓]49.77 of the statutes is renumbered 49.39, and 49.39 (6), as
6 renumbered, is amended to read:

7 49.39 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer
8 this section and s. ~~49.775~~ 49.395, and may promulgate rules to guide the
9 administration of eligibility determinations and benefits payments.

10 **SECTION 32.** [✓]49.775 of the statutes is renumbered 49.395, and 49.395 (2) (a),
11 (b), (bm) and (e) 1., as renumbered, are amended to read:

12 49.395 (2) (a) The custodial parent is a recipient of supplemental security
13 income under 42 USC 1381 to 1383c or of state supplemental payments under s.
14 ~~49.77~~ 49.39, or both.

15 (b) If the dependent child has 2 custodial parents, each custodial parent
16 receives supplemental security income under 42 USC 1381 to 1383c or state
17 supplemental payments under s. ~~49.77~~ 49.39, or both.

18 (bm) The custodial parent assigns to the state any right of the custodial parent
19 or of the dependent child to support from any other person accruing during the time
20 that any payment under this subsection is made to the custodial parent. No amount
21 of support that begins to accrue after the individual ceases to receive payments under
22 this section may be considered assigned to the state. Seventy-five percent of all
23 money that is received by the department ~~of children and families~~ under an
24 assignment to the state under this paragraph shall be paid to the custodial parent.

15-23
7/15

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INS 15-2
CONT

1 The department of ~~children and families~~ shall pay the federal share of support
2 assigned under this paragraph as required under federal law or waiver.

3 (e) 1. The custodial parent is ineligible for aid under s. 49.19 solely because he
4 or she receives supplemental security income under 42 USC 1381 to 1383c or state
5 supplemental payments under s. ~~49.77~~ 49.39.

6 **SECTION 33.** 49.776 of the statutes is renumbered 49.396 and amended to read:

7 **49.396 Payment of support arrears.** If a custodial parent who formerly
8 received payments under s. 49.775, 2009 stats., or s. 49.395 but who is no longer
9 receiving payments under s. 49.775, 2009 stats., or s. 49.395 assigned to the state
10 under s. 49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm) his or her right or the right
11 of the dependent child to support from any other person, the department shall pay
12 to the custodial parent all money in support arrears that is collected by the
13 department after the custodial parent's receipt of payments under s. 49.775, 2009
14 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving
15 those payments. (end ins 15-2)

16 **SECTION 34.** 49.785 (1c) (a) of the statutes is amended to read:

17 49.785 (1c) (a) A recipient of benefits under s. 49.77, 2009 stats., or s. 49.148,
18 49.39, or 49.46, ~~or 49.77~~, or under 42 USC 1381 to 1385 in effect on May 8, 1980.

19 **SECTION 35.** 49.825 (2) (a) 2. of the statutes is repealed.

20 **SECTION 36.** 49.83 of the statutes is amended to read:

21 **49.83 Limitation on giving information.** Except as provided under ss.
22 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information
23 concerning applicants and recipients of relief funded by a relief block grant, aid to
24 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
25 services, child and spousal support and establishment of paternity and medical

INS
24-7
CONT

1 support liability services under s. 49.22, or supplemental payments under s. 49.77,
2 2009 stats., or s. 49.39 for any purpose not connected with the administration of the
3 programs, except that the department of children and families may disclose such
4 information to the department of revenue for the sole purpose of administering state
5 taxes. Any person violating this section may be fined not less than \$25 nor more than
6 \$500 or imprisoned in the county jail not less than 10 days nor more than one year
7 or both.

8 **SECTION 37.** 49.845 (1) of the statutes is amended to read:

9 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
10 (bn), (kz), (L), and (nn), the department of health services shall establish a program
11 to investigate suspected fraudulent activity on the part of recipients of medical
12 assistance under subch. IV, food stamp benefits under the food stamp program under
13 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~
14 ~~payments for the support of children of supplemental security income recipients~~
15 ~~under s. 49.775,~~ and health care benefits under the Badger Care health care program
16 under s. 49.665 and, if the department of children and families contracts with the
17 department of health services under sub. (4), on the part of recipients of aid to
18 families with dependent children under s. 49.19, supplemental security income
19 payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children
20 of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,
21 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The
22 activities of the department of health services under this subsection may include
23 comparisons of information provided to the department by an applicant and
24 information provided by the applicant to other federal, state, and local agencies,
25 development of an advisory welfare investigation prosecution standard, and



7ms 24-7
cont 3064

1 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
2 Wisconsin Works agencies to encourage activities to detect fraud. The department
3 of health services shall cooperate with district attorneys regarding fraud
4 prosecutions.

5 **SECTION 38.** 49.845 (2) of the statutes is amended to read:

6 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
7 services shall conduct activities to reduce payment errors in the Medical Assistance
8 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
9 ~~supplemental security income payments program under s. 49.77, the program~~
10 ~~providing payments for the support of children of supplemental security income~~
11 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
12 and, if the department of children and families contracts with the department of
13 health services under sub. (4), in the supplemental security income payments
14 program under s. 49.39, the program providing payments for the support of children
15 of supplemental security income recipients under s. 49.395, and Wisconsin Works
16 under ss. 49.141 to 49.161.

17 **SECTION 39.** 49.845 (4) (title) of the statutes is amended to read:

18 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
19 INCOME, AND CARETAKER SUPPLEMENT.

20 **SECTION 40.** 49.845 (4) (a) 1. of the statutes is amended to read:

21 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
22 children and families may contract with the department of health services to
23 investigate suspected fraudulent activity on the part of recipients of aid to families
24 with dependent children under s. 49.19, recipients of supplemental security income
25 payments under s. 49.39, recipients of payments for the support of children of

↓

1 supplemental security income recipients under s. 49.395, and participants in
 2 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce
 3 payment errors in the supplemental security income payments program under s.
 4 49.39, the program providing payments for the support of children of supplemental
 5 security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to
 6 49.161, as provided in this section. If any employee of the department of health
 7 services reasonably suspects that fraudulent activity as described in this subdivision
 8 has occurred or is occurring, the employee shall immediately report the facts and
 9 circumstances contributing to that suspicion to the employee's immediate
 10 supervisor. (end of 24-7)

11 **SECTION 41.** 49.89 (7) (bm) of the statutes is amended to read:

12 49.89 (7) (bm) The incentive payment shall be an amount equal to 15% of the
 13 amount recovered because of benefits paid as state supplemental payments under
 14 s. 49.77, 2009 stats., or s. 49.39. The incentive payment shall be taken from the state
 15 share of the sum recovered.

16 **SECTION 42.** 49.90 (1) (b) of the statutes is amended to read:

17 49.90 (1) (b) For purposes of this section those persons receiving benefits under
 18 federal Title XVI or under s. 49.77 49.39 shall not be deemed dependent persons.

19 **SECTION 43.** 49.96 of the statutes is amended to read:

20 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
 21 dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or
 22 (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid
 23 by counties under s. 59.53 (21), and benefits under s. 49.77 49.39 or federal Title XVI,
 24 are exempt from every tax, and from execution, garnishment, attachment and every
 25 other process and shall be inalienable.

INS
24-19
(cont.)

1 SECTION 44. 50.03 (14) (b) of the statutes is amended to read:

2 50.03 (14) (b) The county departments of the county in which the facility is
3 located that are responsible for providing services under s. 46.215 (1) (L), ~~46.22 (1)~~
4 ~~(b) 1. e.~~ 46.22 (1) (b) 2. h., 51.42 or 51.437 shall participate in the development and
5 implementation of individual relocation plans. Any county department of another
6 county shall participate in the development and implementation of individual
7 relocation plans in place of the county departments of the county in which the facility
8 is located, if the county department accepts responsibility for the resident or is
9 delegated responsibility for the resident by the department or by a court.

10 SECTION 45. 50.037 (3) of the statutes is amended to read:

11 50.037 (3) EXEMPTION. Community-based residential facilities where the total
12 monthly charges for each resident do not exceed the monthly state supplemental
13 payment rate under s. ~~49.77 (3s)~~ 49.39 (3s) that is in effect at the time the fee under
14 sub. (2) is assessed are exempt from this section. (end ins 24-19)

15 SECTION 46. 767.521 (intro.) of the statutes is amended to read:

16 **767.521 Action by state for child support.** (intro.) The state or its delegate
17 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
18 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
19 right to support is assigned to the state under s. 49.775 (2) (bm), 2009 stats., or s.
20 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or ~~49.775~~
21 49.395 (2) (bm) and all of the following apply:

22

(END) of ins 26-7)

INS
26-7
↓

“RESEARCH APPENDIX”

... Drafting History Reproduction Request Form ...



DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: Fern Knapp) (Date: 2/15/2011)

Note:

***BOTH DRAFTS SHOULD HAVE THE
SAME “REQUESTOR”***

(exception: companion bills)



Please transfer the drafting file for

2009 LRB

(For: Rep. / Sen. _____)

to the drafting file for

2011 LRB

(For: Rep. / Sen. _____)

-----OR-----



Please copy the drafting file for

2011 LRB -0/50 / 1

(include the version)

(For: Rep. / Sen. Admin-budget)

and place it in the drafting file for

2011 LRB

1019

(For: Rep. / Sen. Admin-budget)



Are These “Companion Bills” ?? ... Yes No

If yes, who in the initial requestor’s office authorized the copy/transfer of the drafting history

(“guts”) from the original file: _____

NOTE →

LRB-0150/1

PJK:wlj/jf

SECTION 3

Insert 21-14

1 par. (b) is in addition to any reimbursement provided to a county or tribal governing
2 body for fraud and error reduction under s. 49.197 or 49.845.

3 **SECTION 4.** ~~49.785~~ (2) of the statutes is amended to read:

4 49.785 (2) From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department
5 shall reimburse a county or applicable tribal governing body or organization for any
6 amount that the county or applicable tribal governing body or organization is
7 required to pay under sub. (1) if the county or applicable tribal governing body or
8 organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~
9 (br), the department shall reimburse a county or applicable tribal governing body or
10 organization for cemetery expenses or for funeral and burial expenses for a person
11 described under sub. (1) that the county or applicable tribal governing body or
12 organization is not required to pay under subs. (1) and (1m) only if the department
13 approves the reimbursement due to unusual circumstances and if the county or
14 applicable tribal governing body or organization complies with sub. (3).

15 (END) of ins 21-14

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

LRB-1019/1dn

PJK: A:....

JL

To Marta Skwarczek[✓] and Cynthia Dombrowski[✓]:

This is a compiled bill draft of LRB-0150/1[✓], LRB-1019/P2[✓], and LRB-1149/1[✓], with modifications to reconcile the component drafts. This draft (LRB-1019) will take the place of of those three drafts in the budget compile. (LRB-0150 and LRB-1149 should not be included in the compile.) We have done this to make reconciling with LRB-1195 more manageable. LRB-1195 has a delayed effective date and many of the same sections in common with this compiled draft.[✓]

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1019/1dn
PJK:jld:rs

February 15, 2011

To Marta Skwarczek and Cynthia Dombrowski:

This is a compiled bill draft of LRB-0150/1, LRB-1019/P2, and LRB-1149/1, with modifications to reconcile the component drafts. This draft (LRB-1019) will take the place of of those three drafts in the budget compile. (LRB-0150 and LRB-1149 should not be included in the compile.) We have done this to make reconciling with LRB-1195 more manageable. LRB-1195 has a delayed effective date and many of the same sections in common with this compiled draft.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Knepp, Fern

From: Kahler, Pam
Sent: Tuesday, February 15, 2011 1:37 PM
To: Knepp, Fern
Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Marta's answer.

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]
Sent: Tuesday, February 15, 2011 1:09 PM
To: Kahler, Pam
Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

I think (bm).

Marta Skwarczek
 Health Services and Insurance Team
 Executive Policy and Budget Analyst
 608-267-7980

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, February 15, 2011 12:15 PM
To: Skwarczek, Marta A - DOA
Cc: Knepp, Fern - LEGIS
Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

After thinking it over a bit, this is pretty much how Fern and I had assumed it would work, except for the part about paying admin expenses through the IM appropriation, since counties will not administer IM, except as delegated under contracts during the interim - which will not affect the funeral expenses program because it won't be an IM program during the interim. We assumed that counties administering the funeral expenses program, until it becomes an IM program, would pay their own administrative expenses and get reimbursed by the state for the benefit costs. Once the funeral expenses program becomes an IM program again, it will be administered by DHS and DHS will also pay benefits directly. If this interpretation is correct, which appropriation should pay for the state administration of the funeral expenses program once it is an IM program again, (bm), (bn), or (br)?

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]
Sent: Tuesday, February 15, 2011 10:55 AM
To: Kahler, Pam
Cc: Knepp, Fern
Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Pam,
 Per DHS: Under our proposal, prior to centralization the status quo is maintained. The counties administer the process and pay the funeral directors. We reimburse counties for the benefits cost. Once centralization occurs, we will handle the administration and will reimburse the providers directly. The new funeral and cemetery aids appropriation is for the benefits costs -- the cost of reimbursing funeral directors. There is no admin in those amounts. Counties are reimbursed for their admin expenses through the IM appropriation.

2/15/2011

Does this work?

Marta Skwarczek

Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]

Sent: Tuesday, February 15, 2011 10:03 AM

To: Skwarczek, Marta A - DOA

Cc: Knepp, Fern - LEGIS

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

And, we also need to know who pays for each part at each stage. Thanks.

From: Kahler, Pam

Sent: Tuesday, February 15, 2011 9:59 AM

To: Skwarczek, Marta A - DOA

Cc: Knepp, Fern

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Hi, Marta:

We are a little confused about how to treat the funeral, etc., expenses program. If you think of the program as having two distinct parts, 1) the payment of expenses and 2) administration, my understanding is that currently counties pay the expenses and are reimbursed by the state, and counties also administer the program as an IM program, and are paid for their administrative costs by the state under IM administration contracts with the state. For drafting purposes in the budget, who (or what) do you want to do each part and when?

Pam

From: Knepp, Fern

Sent: Tuesday, February 15, 2011 9:20 AM

To: Kahler, Pam

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

FYI

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]

Sent: Tuesday, February 15, 2011 9:03 AM

To: Knepp, Fern

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Fern,

Please see the department's responses to your questions and comments below.

2/15/2011

The department also wishes to centralize administration of the funeral, cemetery, and burial program once IM centralization is implemented statewide. This means that the department would take in applications, determine eligibility for payments, and make payments directly to the funeral homes, etc. This change requires modification of 49.78 in the draft to include WFCAP in the definition of income maintenance. Also, 49.785 needs to be modified to reflect that the department (or tribe if it chooses to run its own IM program) will make the payments.

Thanks!

Marta Skwarczek
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

1. Milwaukee Unit transition.

In this draft, the repeal of the Milwaukee County enrollment services unit (Milwaukee unit) is delayed until the earlier of May 1, 2012, or the date that DHS determines the income administration unit (IM unit) is prepared to take over income maintenance administration responsibilities from the Milwaukee unit and notifies the LRB so that the LRB may publish a notice in the administrative register. Please also note, that the description of the IM unit includes an exception for income maintenance administration under the Milwaukee unit until the delayed effective date. OK as drafted.

As drafted, the amended definition of income maintenance programs is effective on the general effective date of the budget. This means that the Milwaukee unit will not be responsible for administering the funeral, cemetery, and burial program as of the effective date of the budget. Is this consistent with DHS's intent? If DHS would like the Milwaukee unit to continue to administer the funeral program during the transition period, please let me know so that I can make the necessary changes in ss. 49.785 (1) (intro.) and 49.825 (2). No - we want the Milwaukee unit to continue to administer the funeral, cemetery, and burial program as long as the Milwaukee unit is in operation.

DHS's comments state that they need Milwaukee county to make the \$2.7 million statutory contribution in fiscal year 2012. Under this bill, the latest that the Milwaukee unit will exist is May 2012. Section 49.825 (2) (d) 2. of the statutes requires that the county make an annual contribution of \$2.7 million. Therefore, it is currently somewhat ambiguous how that requirement will be applied in a year where the statute/Milwaukee unit is only in existence for a partial year. On a similar note, how does this payment interact with the reduction in community aids for Milwaukee County? In 2012, will Milwaukee County make a payment under section 49.825 of the statutes and also have its community aid allocation reduced? Please let me know if, and how, DHS would like this to be clarified. Current law says Milwaukee will not be reimbursed for \$2.7 million of costs they incur for county workers in the Milwaukee unit in CY 2009 and every subsequent year. We want to require them to contribute \$2.7 million thru CY 11 and then a prorated share of that in CY 12 until the state assumes responsibility: non-stat language for this?

Finally, DCF will continue to be able to contract with DHS for child care eligibility staff under s. 49.155 (3g).

2. Exemption from Ch. 16 for IM contracts.

Please see proposed s. 49.78 (1p) for a more narrow exemption from the purchasing requirements of ch. 16. Is this consistent with DHS's intent? Looks fine.

3. Elimination of "county" in various sections.

During the transition, DHS may delegate income maintenance administration functions to counties, on a county by county basis. Therefore, in instances where DHS has delegated income maintenance administration functions to a county, the term "department" will include the "county" to which the function was delegated. OK.

4. Administration of caretaker supplement program.

The IM unit could not administer the caretaker supplement program under s. 49.775 because that program is not included in the definition of "income maintenance programs." This is not a change from current law. However, the Milwaukee unit will continue to be able to administer both the state SSI payment program and the caretaker supplement because both programs are specifically listed in s. 49.825 (2). OK -- since CTS is not part of the IM definition in either current law or the draft, I recommend letting sleeping dogs lie. Also, the budget transfers CTS to DCF effective July 2011.

5. Definition of "income maintenance worker."

Section 49.78 (3) provides that DHS must promulgate rules establishing standards of competency for income maintenance workers. "Income maintenance worker" is currently defined in DHS 254.02 (10) as a "person employed by the county, [or] a governing body of a federally recognized American Indian [tribe] whose duties include determinations or redeterminations of income maintenance program eligibility." The draft includes a statutory definition of "income maintenance worker" to alter the scope of DHS's rule-making authority in a manner that prohibits the definition of income maintenance worker from including county employees and requires that the definition include employees of DHS. I altered the proposed definition to include employees of an entity that enters into a contract with DHS to provide IM administrative services. Is this sufficient to cover persons that DHS will consider to be income maintenance workers under the centralized system? Yes

6. Payments for the administration of the funeral, cemetery, and burial program.

I removed the language that required the DHS to reimburse counties for the administrative costs of the funeral, cemetery, and burial program. I also removed the reference to such administrative costs from the appropriation under s. 20.435 (4) (bn). This means that there will not be an appropriation for such costs in the event that the Milwaukee unit continues to administer this program during the transition. OK

7. Reduction to community aids allocation.

The requested language for a reduction to community aids allocation is added to s. 46.40 (9). Please note that the amount of the reduction is the amount expended in 2009, as determined by the department, without adjustments for inflation. Looks OK

Marta Skwarczek
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

Knepp, Fern

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]
Sent: Tuesday, February 15, 2011 11:55 AM
To: Knepp, Fern
Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Yes.

Marta Skwarczek
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Knepp, Fern [mailto:Fern.Knepp@legis.wisconsin.gov]
Sent: Tuesday, February 15, 2011 11:55 AM
To: Skwarczek, Marta A - DOA
Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Marta,

Can we make the effective date of the IM unit assuming the funeral program May 1, 2012? May 1, 2012 is the latest date that IM centralization must be implemented statewide.

Thanks,
Fern

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]
Sent: Tuesday, February 15, 2011 10:55 AM
To: Kahler, Pam
Cc: Knepp, Fern
Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Pam,
Per DHS: Under our proposal, prior to centralization the status quo is maintained. The counties administer the process and pay the funeral directors. We reimburse counties for the benefits cost. Once centralization occurs, we will handle the administration and will reimburse the providers directly. The new funeral and cemetery aids appropriation is for the benefits costs -- the cost of reimbursing funeral directors. There is no admin in those amounts. Counties are reimbursed for their admin expenses through the IM appropriation.

Does this work?

Marta Skwarczek
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Executive Policy and Budget Analyst
608-267-7980

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2/15/2011

To: Skwarczek, Marta A - DOA
Cc: Knepp, Fern - LEGIS
Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

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Cc: Knepp, Fern
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2/15/2011

Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

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OK

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Marta Skwarczek
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980